IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 26541 of 2000

Between:

Mohammed Salhuddin, S/o Mohammed Samiuddin,
R/o 1-4-877/1, Mushreeabad, Hyderabad & Permanent R/o Naseem Manzil Muttangi,
Isnanpur Cross Road, Patencheru Mandal, Medak District.

..... PETITIONER

AND

State of Andhra Pradesh, Rep. by its Collector,
O/o. Medak District, Sangareddy.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction more particularly in the nature of Certiorari quashing the paper Notification bearing No.Lr.No.E1/3648/2000 dated 14-12-2000 is being illegal issued with malafide intention without Notice and to deprive the petitioner of his entailment, which act of the respondent in exercise of power beyond jurisdiction and is high hand ultra varies and be declared as Null and void and consequently direct the respondent not conduct the open auction on 30-12-2000 as published in the notification under question Viz., Lr.No.E1/3648/2000 dated 1-12-2000, published in EENADU News Paper dt 14-12-2000 and pass such other order or orders as this Hon'ble Court may deem just and proper in the circumstances of the case and in the interest of Justice.

Counsel for the Petitioner: MR. MOHD. ILYAS

Counsel for the Respondent: GP FOR REVENUE

The Court made the following :

ORAL ORDER:

Petitioner filed this writ petition questioning the notification dated 14.12.2000, calling for the tenders for the sale of the land in Sy. No. 255/2 admeasuring Ac. 1-36 guntas situated in Patancheru Mandal of Medak District in open auction, which was sold to the petitioner under an open auction on 16-10-2000.

Petitioner contends that by notification, on 16-10-2000 he participated in the open auction and he purchased the said land at Rs.6,50,000 per acre, being the highest bidder. He further contends that though his bid was confirmed by the committee by virtue of GO Ms No. 730 Revenue (DAI) department dated 21-9-2000, but he did not get any information of confirmation of sale in his favour.

It is his further grievance that while the things stood thus, on 14.12.2000 the respondent gave another notification in the local daily news papers calling for the tenders once again for the sale of the same property, which was already sold to the petitioner. He further submits that though he made a representation to the respondent dated 22-12-2000, the respondent refused to take the same. Hence the present writ petition.

Respondent filed counter affidavit admitting the factum of conducting auction on 16-10-2000 and declaration of the petitioner as highest bidder. But the contention of the respondent is that when the proceedings of the auction conducted on 16-10-2000 were placed before the District committee constituted in GO Ms. No. 730 dated 21.9.2998 for taking further action, the committee decided to go for fresh auction as the rate offered by the highest bidder in the

action i.e. the petitioner is not in conformity with the prevailing rates in the village. Therefore, subsequently, a fresh paper notification was given on 11.12.2000 calling application for sale of government lads on tender cum auction basis fixing the date of auction as 30-12-2000. In response to the same, eight tenders were received and that the highest bid was Rs.12,10,000/- per acre as against the bid of Rd. 6,50,000/- offered by the petitioner in the earlier auction. Hence the respondent had to go for fresh auction. All the other averments of the petitioner were also denied.

Heard both sides. Perused the material placed before me.

Record reveals that at the time of admission, no stay of the impugned proceedings was granted by this Court. Further, according to both the parties, a fresh auction for sale of the lands in question was conducted on 30-12-2000. Therefore, the respondent might have conducted the fresh auction either on the given date or subsequent to that. Therefore, in my opinion, at this length of time, no orders are necessary since by afflux of time the cause in the writ petition would have been defeated and hence the writ petition is liable to be dismissed.

For the foregoing, the writ petition is dismissed. No costs.

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kvsn 23-06-2005

To

1. The District Collector,
   Medak District, Sangareddy.

2. Two CCs to GP for Revenue, High Court buildings, Hyderabad.

3. Two CD copies.